

United States Bankruptcy Court Southern District of New York

Debtors: Lehman Brothers Holdings Inc, et al  
Chapter 11 Case No. 08-13555 (JMP) Jointly Administered

Objection to Claims To Reclassify Proofs of Claims as Equity Interests

Creditor: JAO, Andrea T

Address: 77Seventh Ave, Apt 10-S, New York NY 10011

Tel: (917) 209-4497

Claim Number: 5340

Date Filed: 7/15/2009

Debtor: 08-13555

Classification and Amount: \$107,253.00 unvested restricted stock units

\* The claim should not be reduced or reclassified because the above amount was awarded for past services and are thus deferred compensation. The above award had not yet vested, given the five year vesting period for employees of Lehman Brothers.

\* In Guiry v. Goldman, Sachs & Co., 2006 N.Y. App. Div. LEXIS 6630 (1st Dept. May 18, 2006), the New York Appellate Division, First Department, held that unvested, contingent rights to restricted stock and options to purchase such stock are "incentive compensation." That is deferred compensation.

\*Attached is a list of Lehman Brothers Equity Awards.

\* Also consider this prior written notice to participate telephonically in the January 20, 2011 hearing, as I will be unable to appear in person due to work commitments.

\* Please send details of the conference call to the above contact details and/or to [Andrea.Jao@gmail.com](mailto:Andrea.Jao@gmail.com)



copy for Honorable James M Poock

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re

**LEHMAN BROTHERS HOLDINGS INC., et al.,**

**Debtors.**

Chapter 11 Case No.

08-13555 (JMP)

(Jointly Administered)

LBH OMNI73 12-07-2010 (MERGE2,TXNUM2) 4000051964 BAR(23) MAIL ID \*\*\* 000038527862 \*\*\* BSIUSE: 254

JAO, ANDREA T.  
77 SEVENTH AVE.  
APT. 10-S  
NEW YORK, NY 10011

**THIS IS A NOTICE REGARDING YOUR CLAIM(S). YOU MUST READ IT  
AND TAKE ACTION IF YOU DISAGREE WITH THE OBJECTION.**

**IF YOU HAVE ANY QUESTIONS ABOUT THIS NOTICE OR THE OBJECTION,  
PLEASE CONTACT DEBTORS' COUNSEL, BAMBO OBARO, ESQ., AT 650-802-3083.**

**NOTICE OF HEARING ON DEBTORS' SEVENTY-THIRD OMNIBUS  
OBJECTION TO CLAIMS (TO RECLASSIFY PROOFS OF CLAIM AS EQUITY INTERESTS)**

CLAIM TO BE RECLASSIFIED	
Creditor Name and Address: JAO, ANDREA T. 77 SEVENTH AVE. APT. 10-S NEW YORK, NY 10011	Claim Number: 5340 Date Filed: 7/15/2009 Debtor: 08-13555 Classification and Amount: PRIORITY: \$ 107,253.00

PLEASE TAKE NOTICE that, on December 7, 2010, Lehman Brothers Holdings Inc. and certain of its affiliates (collectively, the "Debtors") filed their Seventy-Third Omnibus Objection to Claims (To Reclassify Proofs of Claim As Equity Interests) (the "Objection") with the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court").

The Objection requests that the Bankruptcy Court reclassify your claim listed above under CLAIM TO BE RECLASSIFIED as common equity interests in Lehman Brothers Holding Inc. ("LBHI"), as said claim is based on ownership of either Restricted Stock Units ("RSUs") and/ or Contingent Stock Awards ("CSAs") and the ownerships of RSUs or CSAs constitutes an equity interest in LBHI but do not constitute a claim against the Debtors' estates. **If the Objection is granted, your claim will be reclassified as an equity interest.**

If you do NOT oppose the reclassification of your claim listed above under CLAIM TO BE RECLASSIFIED then you do NOT need to file a written response to the Objection and you do NOT need to appear at the hearing.

If you DO oppose the reclassification of your claim listed above under CLAIM TO BE RECLASSIFIED, then you MUST file with the Court and serve on the parties listed below a written response to the Objection that is received on or before 4:00 p.m. Prevailing Eastern Time on January 6, 2010 (the "Response Deadline").

Your response, if any, must contain at a minimum the following: (i) a caption setting forth the name of the Bankruptcy Court, the names of the Debtors, the case number and the title of the Objection to which the response is directed; (ii) the

<sup>1</sup> A list of the Debtors, along with the last four digits of each Debtor's federal tax identification number, is available on the Debtors' website at <http://www.lehman-docket.com>.

Grant Date	Description	Grant Price	Grant Value	Restriction Ends	Units Granted	Dividend Equivalent	Units Delivered
07/01/2008	July 2008 RSU	\$20.9600	\$5,865	11/30/2011	279.82	3.54	0.00
12/07/2007	2007 Firmwide Principal	\$47.6000	\$21,994	11/30/2012	462.05	9.52	0.00
12/07/2007	2007 Firmwide Discount	\$47.6000	\$7,331	11/30/2012	154.02	3.20	0.00
12/08/2006	2006 Firmwide Principal	\$57.7700	\$31,697	11/30/2011	548.67	16.24	0.00
12/08/2006	2006 Firmwide Discount	\$57.7700	\$10,566	11/30/2011	182.89	5.40	0.00
11/30/2005	2005 Firmwide Principal	\$47.2500	\$13,500	11/30/2010	285.72	10.49	0.00
11/30/2005	2005 Firmwide Discount	\$47.2500	\$4,500	11/30/2010	95.24	3.60	0.00
12/09/2004	2004 Firmwide Principal	\$32.1750	\$5,100	11/30/2009	158.50	7.12	0.00
12/09/2004	2004 Firmwide Discount	\$32.1750	\$1,700	11/30/2009	52.84	2.40	0.00
12/10/2003	2003 Firmwide Principal	\$26.7700	\$3,750	11/30/2008	140.08	7.48	0.00
12/10/2003	2003 Firmwide Discount	\$26.7700	\$1,250	11/30/2008	46.70	2.55	0.00
<b>Total</b>			<b>\$107,253</b>		<b>2,406.53</b>	<b>71.54</b>	<b>0.00</b>